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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/534,453	03/24/2000	Roger Cowles	AGOR-0001	3383

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EXAMINER

JASMIN, LYNDIA C

ART UNIT PAPER NUMBER

3627

DATE MAILED: 03/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/534,453

Applicant(s)

COWLES, ROGER

Examiner

Lynda C Jasmin

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on November 8, 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-25,27-33 and 35-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14 is/are allowed.
- 6) ☒ Claim(s) 15-21,24,25,27-29,33,36,37,41-44 and 46-49 is/are rejected.
- 7) ☒ Claim(s) 22,23,30-32,35,38-40 and 45 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 15.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Supplemental amendments received on October 29, 2002 and November 8, 2002 have been entered.

### ***Claim Objections***

2. Claims 21 and 29 are objected to because of the following informalities: at line 2, the term "identify" should be --identity--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 15, 20, 21, 24, 25, 27-29, 33, 36, 37, 41-44, 48 and 49 are rejected under 35 U.S.C. 102(e) as being anticipated by Pool et al. (6,460,020).

Poll et al. discloses a method and system for creating and searching a universal electronic catalog as claimed with steps of: receiving item information through a network into a predefined, structured, universal electronic catalog database (col. 4, lines 1-20); placing the item categories based on standard classification codes (via commodity code; col. 6, lines 55-58), and associating a country where the item resides to the item in the universal electronic catalog database (col. 6, lines 61-67). Pool et al. further discloses determining trade costs (via duties and other such as taxes and shipping) associated with the item and adding the trade costs to cost of the item resulting in the landed cost of the item (col. 3, lines 11-17) and returning the total landed cost of the item through the network (col. 8, lines 46-50), receiving, through the network, identity of the country the item is to be shipped from and the identity of the country the item is to be shipped to (col. 4, lines 13-15), and receiving type of currency the requester prefers and the type of currency the seller prefers (col. 5, lines 58-65; col. 6, lines 4-36). The item is a service or product (col. 5, lines 24-26).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 16-19, 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pool et al. (6,460,020), in view of Westrope et al. (5,968,110).

Pool et al. discloses the method and system of creating and searching a universal electronic catalog however, fails to explicitly disclose returning of items through the network within the standard classification code.

Westrope et al. discloses a worldwide commercial business having a network coupling a plurality of country specific system (cross-border transaction system) with the steps of receiving item information through a network (45) into an electronic catalog (49), and returning, through the network, items within the standard classification code (col. 10, lines 47-62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the universal shopping network of Pool et al. to include the electronic catalog and product return routine taught by Westrope et al. for the purpose of facilitating selection of item to be purchase and returned from different countries.

***Allowable Subject Matter***

7. Claims 1-14 are allowed.
8. Claims 22, 23, 30-32, 35, 38-40 and 45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
9. The following is a statement of reasons for the indication of allowable subject matter: the prior art made of record fails to teach or suggest determining customer type to ascertain whether a special purchase price applies and adjusting the trade cost

accordingly and determining whether any trading private or public partner agreements apply which govern the purchase price and adjusting the trade cost accordingly.

### ***Response to Arguments***

10. Applicant's arguments with respect to claims 1, 2-25, 27-33, and 35-49 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Call (5,913, 210; 6,418,441 B1) and Perkowski (5, 918, 214) are cited as art of interest.

VanZandt et al. discloses a method and system that provides comprehensive logistics services by having the ability and flexibility to integrate logistics vendors via an interconnected network. The system also provides landed cost quoting, shipment booking and shipment tracking.

Maguire discloses an overview on the taxation of e-commerce.

Australia Accountant discloses concern on how to effectively tax the Internet.

Levey et al. discloses how e-commerce transactions present interesting international, state and local tax issues.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 3627

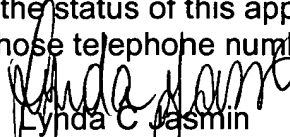
§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

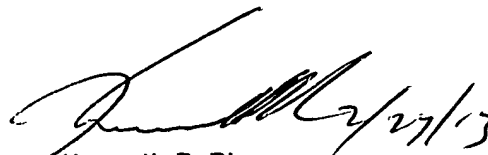
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda C Jasmin whose telephone number is (703) 305-0465. The examiner can normally be reached on Monday- Friday (8:00-5:30) alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard E Chilcot can be reached on (703) 305-4716. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-1113.

  
Lynda C Jasmin  
Examiner  
Art Unit 3627

lj  
February 19, 2003

  
Kenneth R. Rice  
Primary Examiner